

January 22, 2006

Upper Mississippi River National Wildlife and Fish Refuge  
51 E. Forth Street – Room 101  
Winona, Minnesota 55987

Sent via U.S. Mail and electronically at (r3planning@fws.gov)

**RE: Re: Alternative E. Supplement to Draft CCP and EIS for Upper Mississippi River National Wildlife and Fish Refuge**

To Whom It May Concern:

On behalf of the Animal Protection Institute (API), we offer these comments on the “Alternative E” described in the supplement to the Draft Environmental Impact Statement (Draft EIS) and Draft Comprehensive Conservation Plan (Draft CCP) for the Upper Mississippi River National Wildlife and Fish Refuge. These comments are in addition to those submitted on August 31, 2005 on the original Draft CCP/EIS.

Over all Alternative E fails to address many of the concerns raised in our previous comments and actually weakens many protections for refuge wildlife.

Our primary concerns with Alternative E are, 1) failure to adequately address trapping; 2) the exclusive inclusion of trappers in preparing future trapping plan; 3) the weakening of restrictions on motorized (gas-powered) watercrafts; and 4) the weakening of protection for refuge wildlife from hunting harassment.

**Failure to adequately address trapping**

As pointed out in our original comments, the FWS is currently relying on an antiquated “Refuge Fur Management Plan” that was produced in 1988 as the base impact assessment document for its trapping programs. As such, the Draft EIS/CCP fails to describe the impacts the current (and future) trapping program have on the environment and on target and non-target wildlife.

This issue has not been addressed by Alternative E. API maintains that the FWS must either fully analyze its trapping programs in a revised Draft EIS/CCP and re-circulate an amended version for public comment or suspend the current trapping programs until these programs are fully analyzed, publicly reviewed, and brought into compliance with Refuge policies, regulations, and statutes.

**Inclusion of Trappers in Preparing Trapping Plan**

Despite the glaring shortcomings in the Draft EIS/CCP’s evaluation of trapping on the refuge, the only significant change offered by Alternative E is one that ensures a biased review of the upcoming trapping plan; it is stated that Alternative E will “outline trapper involvement in preparing the [new] trapping plan.”

The FWS has a duty to represent the interests of *all* Americans and to provide an *equal* opportunity for public input. The overt inclusion of one special interest group and the failure to give other interest groups equal consideration in developing and reviewing the new trapping plan flies in the face of this

responsibility.

API holds that any reference to trapper involvement in preparing the trapping plan should be removed from Alternative E. At minimum, Alternative E should include strategies outlining equal involvement of conservationists, animal advocates, and other interest groups in preparing and reviewing the trapping plan.

### **Motorized Watercrafts and Two-stroke Engines**

Noise generated by boat motors can have a detrimental effect on aquatic life by causing stress; increasing risk of mortality (by changing the delicate balance in predator/prey relationships); and by interfering with communication, reproduction, and navigation. The constant noise pollution generated by ship motors and propellers may impair the hearing sensitivity of aquatic animals, especially in the low-frequency ranges.

Further, the public is increasingly opposed to the use of gasoline-powered engines in our nation's protected areas. A national poll (conducted by Decision Research) revealed that a majority of Americans strongly oppose allowing jet skis and large powerboats at National Parks. Additionally, according to the California Air Resources Board (CARB) as much as 30 percent of the gasoline used in two-stroke engines is discharged unburned into the environment. These engines also release polyaromatic hydrocarbons (PAHs), pollutants produced by the combustion of fossil fuels known to kill zooplankton and to reduce fish growth by up to 46%.

In light of these issues, we were disappointed that Alternative E weakened the restrictions on motorized watercrafts with the refuge. Alternative D designated 16 new electric motor areas (areas closed to gas-powered vessels) encompassing 14,498 acres, but Alternative E reduced that number to a mere 6.

### **Hunting on the refuge**

When President Theodore Roosevelt established the first National Wildlife Refuge in March 1903, the recreational killing of wildlife was prohibited. The original intent of the refuge system was clear: to protect animals from commercial exploitation, trophy hunting, and deliberate harm. Most Americans still view refuges as safe havens where wild animals are protected. That is, in fact, the common definition of the word "refuge."

The vast majority of people who visit refuges do so to observe wildlife and enjoy nature. According to a Fish and Wildlife Service survey of 30 million people who visited refuges, 21 million visited for wildlife observation and "just to experience nature," while only 1.4 million visited to hunt or trap.

Despite this, the new proposed Alternative E, cut the 6 new hunting zones proposed in Alternative D to by half (from 6 to 3) and doubled the "Managed/Special hunts" (from 2 to 4).

While we are pleased that Alternative E has increased the acres of waterfowl closed areas and/or sanctuaries by 2,051 acres, we are disappointed that the 64 acre "Heron Sanctuary" proposed in Alternative D, is not included under Alternative E.

The Animal Protection Institute opposes the killing of wildlife for recreation, profit, or "sport" on our National Wildlife Refuges. While we recognize that the Refuge Improvement Act upgrades hunting to a priority use, at a minimum the FWS must conduct rigorous biological analyses of the refuge's wildlife populations before making any compatibility determinations about the appropriateness of allowing consumptive wildlife uses on these refuges.

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We reiterate that FWS regulations require that before the sanctioning of hunting, trapping, or fishing can occur, a determination must be made that "wildlife are surplus to a balanced conservation program on any wildlife refuge area" (50 C.F.R. §31.2 et seq.). To determine if there is a surplus of wildlife on a refuge, the "populations and requirements of wildlife species ... shall be determined by population census, habitat evaluation, and other means of ecological study," (Id. at §31.1).

Again, the mere presence of a species on a refuge is not evidence of a surplus; rather, a surplus determination has to consider both the population size and requirements of the target species. If no surplus is determined, then, unless the species is damaging or destroying federal property within a refuge, the species cannot be subject to live removal or lethal control, including through official animal control operations.

Alternative E has failed to correct this shortcoming in the Draft CCP/EIS identified in our original comments.

### **Conclusion**

Our nation needs examples of unimpaired river ecosystems to be utilized for scientific study, to help restore depleted species, and to serve as safe havens for wildlife.

We urge the FWS to offer an Alternative that will help to restore the National Wildlife Refuge System to its original purpose of providing a "refuge and breeding place" for "migratory birds, other wild birds, game animals, fur-bearing animals, and for the conservation of wild flowers and aquatic plants." (Per Public Law 268). This objective is best achieved by making the Upper Mississippi River NWR off limits to activities known to be detrimental to wildlife including trapping, hunting, and motor boating.

We look forward to reviewing the FWS response to these concerns.

Sincerely,

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